

U.S. DISTRICT COURT - N.D. OF N.Y.
FILED
IN THE UNITED STATES
OR THE NORTHERN DISTRICT
AT _____ O'CLOCK
FEBRUARY 14, 1994, Clerk - Syracuse

UNITED STATES OF AMERICA	Criminal No.	5:19-CR-301 (8NH)
v.)	Indictment
KYLE M. LEEPER, also known as "Bud," "Fred," and "Shorty," and)	Violations: 21 U.S.C. §§ 841(a)(1) and 846 [Conspiracy to Distribute and Possesses with Intent to Distribute a Controlled Substance]
ARLENE N. RODRIQUEZ, also known as "Elf Little,"))
Defendants.)	21 U.S.C. § 841(a)(1) [Possession with Intent to Distribute a Controlled Substance]
))
)	18 U.S.C. § 924(c) [Possession of a Firearm in Furtherance of a Drug Trafficking Crime]
))
)	18 U.S.C. § 922(g)(1) [Possession of a Firearm and Ammunition by a Felon]
))
))
))
)	Four Counts and Forfeiture Allegations
))
)	County of Offense: Cortland

THE GRAND JURY CHARGES:

COUNT 1

[Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance]

From in or about January 2019 to on or about February 19, 2019, in Cortland County in the Northern District of New York, and elsewhere, defendants **KYLE M. LEEPER**, also known as “Bud,” “Fred,” and “Shorty,” and **ARLENE N. RODRIQUEZ**, also known as “Elf Little,” conspired with each other and others to knowingly and intentionally distribute and possess with

intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846. As to both defendants, that violation involved 50 grams or more of methamphetamine, a schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(A).

COUNT 2
[Possession with Intent to Distribute a Controlled Substance]

On or about February 19, 2019, in Cortland County in the Northern District of New York, defendants **KYLE M. LEEPER**, also known as “Bud,” “Fred,” and “Shorty,” and **ARLENE N. RODRIQUEZ**, also known as “Elf Little,” knowingly and intentionally possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), which violation involved 50 grams or more of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(A).

COUNT 3
[Possession of a Firearm in Furtherance of a Drug Trafficking Crime]

From in or about October 2018, through on or about February 19, 2019, in Cortland County in the Northern District of New York, and elsewhere, defendant **KYLE M. LEEPER**, also known as “Bud,” “Fred,” and “Shorty,” used and carried a firearm, specifically, a COBRA Enterprises, Inc. Model FS380, .380 caliber pistol, serial number FS115720, during and in relation to one or more drug trafficking crimes for which he may be prosecuted in a court of the United States, that is: (a) distribution and possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1); and, (b) beginning in or about January 2019, conspiracy to distribute and to possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, and possessed that firearm in

furtherance of those federal crimes, all in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

Defendant **ARLENE N. RODRIGUEZ**, also known as “Elf Little,” a member of the conspiracy described in Count One, is criminally liable for this violation of Title 18, United States Code, Section 924(c)(1)(A)(i) under *United States v. Pinkerton*, 328 U.S. 640 (1946).

COUNT 4
[Possession of a Firearm and Ammunition by a Felon]

On or about February 19, 2019, in Cortland County in the Northern District of New York, defendant **KYLE M. LEEPER**, also known as “Bud,” “Fred,” and “Shorty,” knowing that he previously had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting commerce a firearm and ammunition, all of which previously had been shipped and transported in interstate commerce, specifically: a COBRA Enterprises, Inc. Model FS380, .380 caliber pistol, serial number FS115720, manufactured in Utah; and 149 rounds of Remington UMC Brand .380 caliber ammunition manufactured in Arkansas; one (1) round of Remington 9mm Luger ammunition manufactured in Arkansas; one (1) round of Winchester 9mm Luger (silver) ammunition manufactured in Illinois or Mississippi; two (2) rounds of Winchester 9mm Luger (gold) ammunition manufactured in Illinois or Mississippi; one (1) round of Winchester 9mm Luger (WCC) ammunition manufactured in Illinois or Mississippi; one (1) round of Speer 9mm Luger ammunition manufactured in Idaho; and one (1) round of Speer 9mm Luger ammunition manufactured in Idaho, all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

FORFEITURE ALLEGATIONS

1. The allegation contained in Count One of this Indictment is hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853.

2. Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Sections 841(a)(1) and 846, defendants **KYLE M. LEEPER**, also known as “Bud,” “Fred,” and “Shorty,” and **ARLENE N. RODRIQUEZ**, also known as “Elf Little,” shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense; and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense. The property to be forfeited includes, but is not limited to, the following:

- a. \$421.00 in U.S. currency.

3. The allegation contained in Count Three of this Indictment is hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c).

4. Upon conviction of the offense in violation of Title 18, United States Code, Section 924(c)(1)(A)(i) set forth in Count Three of this Indictment, defendants **KYLE M. LEEPER**, also known as “Bud,” “Fred,” and “Shorty,” and **ARLENE N. RODRIQUEZ**, also known as “Elf Little,” shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms involved in the commission of the offense, to wit:

- a. A COBRA Enterprises, Inc. Model FS380, .380 caliber pistol, serial number

FS115720

5. The allegation contained in Count Four of this Indictment is hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) by Title 28, United States Code, Section 2461(c).

6. Upon conviction of the offense in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), set forth in Count Four of this Indictment, defendant **KYLE M.LEEPER**, also known as “Bud,” “Fred,” and “Shorty,” shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense, to wit:

- a. A COBRA Enterprises, Inc. Model FS380, .380 caliber pistol, serial number FS115720;
- b. 149 rounds of Remington UMC Brand .380 caliber ammunition; one (1) Remington 9mm Luger ammunition; one (1) round of Winchester 9mm Luger (silver) ammunition; two (2) rounds of Winchester 9mm Luger (gold) ammunition; one (1) round of Winchester 9mm Luger (WCC) ammunition; one (1) round of Speer 9mm Luger ammunition; and one (1) round of Speer 9mm Luger ammunition

7. If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

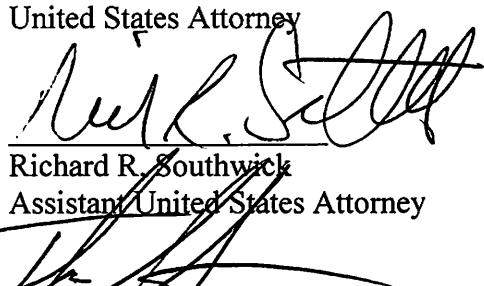
A TRUE BILL, **NAME REDACTED

[REDACTED]
Grand Jury Foreperson

Dated: August 15, 2019

GRANT C. JAQUITH
United States Attorney

By:


~~Richard R. Southwick~~
Assistant United States Attorney


~~Thomas Sutcliffe~~
Assistant United States Attorney